United Nations A/C.1/64/L.38/Rev.1

General Assembly

Distr.: Limited
28 October 2009

Original: English

Sixty-fourth session
First Committee
Agenda item 96 (z)
General and complete disarmament: towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms

Argentina, Australia, Costa Rica, Finland, Japan, Kenya and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

The arms trade treaty

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations, and reaffirming its respect for and commitment to international law,

Recalling its resolutions 46/36 L of 9 December 1991, 51/45 N of 10 December 1996, 51/47 B of 10 December 1996, 56/24 V of 24 December 2001, 60/69 and 60/82 of 8 December 2005, 61/89 of 6 December 2006 and 63/240 of 24 December 2008,

Recognizing that arms control, disarmament and non-proliferation are essential for the maintenance of international peace and security,

Reaffirming the inherent right of all States to individual or collective self-defence in accordance with Article 51 of the Charter,

Recalling the commitment to the principles of political independence, sovereign equality and territorial integrity of all States, and acknowledging that peace and security, development and human rights are the foundations for collective security,

Acknowledging the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs and in order to participate in peace support operations,

Acknowledging also the right of States to regulate internal transfers of arms and national ownership, including through national constitutional protections on private ownership, exclusively within their territory,

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Recalling the obligations of all States to fully comply with arms embargoes decided by the Security Council in accordance with the Charter,

Reaffirming its respect for international law, including international human rights law and international humanitarian law, and the rights and responsibilities of every State under the Charter,

Taking note of and encouraging relevant initiatives, undertaken at the international, regional and subregional levels between States, including those of the United Nations,

Taking note also of the role played by non-governmental organizations and civil society to enhance cooperation, improve information exchange and transparency and assist States in implementing confidence-building measures in the field of responsible arms trade,

Recognizing that the absence of commonly agreed international standards for the transfer of conventional arms to address, inter alia, the problems relating to the unregulated trade of conventional arms and their diversion to the illicit market is a contributory factor to armed conflict, the displacement of people, organized crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable social and economic development,

Acknowledging the growing support across all regions for concluding a legally binding instrument negotiated on a non-discriminatory, transparent and multilateral basis, to establish the highest possible common international standards for the import, export and transfer of conventional arms, including through several regional and subregional workshops and seminars held in order to discuss the initiative launched by the General Assembly in its resolution 61/89, as well as those sponsored by the European Union and organized through the United Nations Institute for Disarmament Research in different regions around the world,

Taking due note of the views expressed by Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, submitted to the Secretary-General at his request,[1]

Welcoming the report of the Group of Governmental Experts,[2] which states that, in view of the complexity of the issues of conventional arms transfers, further consideration of efforts within the United Nations to address the international trade in conventional arms is required on a step-by-step basis in an open and transparent manner to achieve, on the basis of consensus, a balance that will provide benefit to all, with the principles of the Charter at the centre of such efforts,

Mindful of the need to prevent the diversion of conventional arms, including small arms and light weapons, from the legal into the illicit market,

1. *Calls upon* all States to implement, on a national basis, the relevant recommendations contained in section VII of the report of the Group of Governmental Experts,[2] and commends all States to carefully consider how to achieve such implementation in order to ensure that their national import and export

[1] See A/62/278 (Parts I and II) and Add. 1-4.
[2] See A/63/334.

control systems are of the highest possible standard, and further urges those States in a position to do so to render assistance in this regard upon request;

2. *Endorses* the report of the Open-ended Working Group[3] established by the General Assembly in its resolution 63/240 to further consider those elements in the report of the Group of Governmental Experts where consensus could be developed for their inclusion in an eventual legally binding treaty on the import, export and transfer of conventional arms, which provides a balance giving benefit to all, with the principles of the Charter and other existing international obligations at the centre of such considerations;

3. *Stresses* the need, as was underlined by consensus in the Open-ended Working Group, to address, inter alia, the problems relating to the unregulated trade in conventional weapons and their diversion to the illicit market, considering that such risks can fuel instability, transnational organized crime and terrorism, and that international action should be taken to address the problem;

4. *Decides*, therefore, to convene the United Nations Conference on the Arms Trade Treaty to sit for four consecutive weeks in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms;

5. *Also decides* that the United Nations Conference on the Arms Trade Treaty will be undertaken in an open and transparent manner, on the basis of consensus, to achieve a strong and robust treaty;

6. *Further decides* to consider the remaining sessions of the Open-ended Working Group in 2010 and 2011, as a preparatory committee for the United Nations Conference on the Arms Trade Treaty;

7. *Requests* the Preparatory Committee, at its four sessions in 2010 and 2011, to make recommendations to the United Nations Conference on the Arms Trade Treaty on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms, bearing in mind the views and recommendations expressed in the replies of Member States[1] and those contained in the report of the Group of Governmental Experts[2] and the report of the Open-ended Working Group,[3] and to present a report containing those elements to the General Assembly at its sixty-sixth session;

8. *Decides* to establish a fifth session of the Preparatory Committee in 2012 of up to three days' duration to decide on all relevant procedural matters, including the composition of the Bureau, the draft agenda and the submission of documents, for the United Nations Conference on the Arms Trade Treaty;

9. *Requests* the Secretary-General to seek the views of Member States on proposed treaty elements and other relevant issues relating to the United Nations Conference on the Arms Trade Treaty, and to submit a report to the General Assembly at its sixty-sixth session;

10. *Decides* that intergovernmental organizations and specialized agencies, having received a standing invitation to participate as observers in the work of the General Assembly, may participate as observers in the sessions of the Preparatory

[3] A/AC.277/2009/1.

Committee, and requests the Committee to take decisions on the modalities of attendance of non-governmental organizations at its sessions;

11. *Stresses* the need to ensure the widest possible and effective participation in the United Nations Conference on the Arms Trade Treaty in 2012;

12. *Requests* the Secretary-General to render the Preparatory Committee and the United Nations Conference on the Arms Trade Treaty all necessary assistance, including the provision of essential background information and relevant documents;

13. *Decides* to remain seized of the matter.